

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 33591 of 1997

Between:

1 N.Krishnam Raju S/o N.Chandra Raju
Flat No.102, K.S.R.Compten
K.P.H.B.Colony,Hyderabad-72,wp is dismissed as withdrawn in so

far as the petitioner no.1,4,6,7,9

2 C.Mallaiah S/o N.Nagappa
Flat No.44, Vasanthnagar
Kukatpally Colony,Hyderabad-72,wp is dismissed as withdrawn in so

far as the petitioner no.1,4,6,7,9

3 G.Rambabu S/o G.Ramakrishna
Central Training Establishment, Indian Airlines,
Hyderabad-11,wp is dismissed as withdrawn in so far as the

petitioner no.1,4,6,7,9

4 K.S.N.Murthy S/o K.Rama Rao
Qtr.No.159-C, A.G.Colony,Yousufguda,PO.
Hyderabad-45,wp is dismissed as withdrawn in so far as the

petitioner no.1,4,6,7,9

5 T.Hari Krishna s/o T.Pentaiah
H.No.1-1-65/4, Bank Street P.O.
Janagam, Warangal.

6 S.Kamalkar Rao s/o Venkata Rao
1-1-699, Siddarthnagar,REC,
Kazipet,506004,wp is dismissed as withdrawn in so far as the

petitioner no.1,4,6,7,9

7 S.Sridhar S/o S.Ramachandrappa
H.No.8,Nargarujana Apartments Nizampet, Hyderabad.
wp is dismissed as withdrawn in so far as the petitioner no.1,4,6,7,9

8 J.Shanta W/o N.R.K.Rao
H.No.3-3-5/41, Bharthnagar,
Ramanthpur Colony, Hyderabad.13

9 R.Jayakrishna S/o r.Jayaramohan
R/o HIG 102, Phase I&II,KPHB Colony,
Kukatpally,Hyderabad-72,wp is dismissed as withdrawn in so far as

the petitioner no.1,4,6,7,9

10 M.Govinda Reddy S/o M.Anji Reddy
R/o HIG 112, Phase I&II KPHB Colony,
Kukatpally, Hyderabad.72

11 K.Nandkishore s/o K.Narayana Rao
205,Telip,Somajiguda,Hyderabad. 11,12,15,16,18,19 and 24 are

concerned as per court order in Wp 33591/97,dt.6-12-01

12 B.Krishnaiah S/o B.Laxmi Narayana
H.No.D.131,Madhuranagar,Hyderabad-38 11,12,15,16,18,19 and 24

are concerned as per court order in Wp 33591/97,dt.6-12-01

13 B.Radhakrishna Murthy S/o B.S.Brahmam
R/o Vijay Silnicals Ltd.28,IDA, Balanagar, Hyderabad-37

14 P.Satyanarayana S/o S.P.Ramam
LIG 611,BHEL, R.C.Puram, Hyderabad-32

15 N.Purusotham Rao S/o N.Madhava Rao
H.No.A 207,Humayunnagar,Moon Rock Apartments,Hyderabad.

11,12,15,16,18,19 and 24 are concerned as per court order in
Wp 33591/97,dt.6-12-01

16 V.Ramachowdary W/o Narayana Rao
HIG 237,Phase I & II KPHB Colony,Hyderabad. 11,12,15,16,18,19

and 24 are concerned as per court order in
Wp 33591/97,dt.6-12-01

17 P.Satyanarayana Reddy S/o P.Rajanapireddy
P.B.No.56, C/o V.Rami Reddy Grain Market,
Warangal.

18 C.Jagdish S/o C.Mallaiah
Polt No.44 Vasanthnagar,Hyderabad. 11,12,15,16,18,19 and 24 are

concerned as per court order in Wp 33591/97,dt.6-12-01

19 S.Anuradha W/o Balakoteswara Rao
Flat No.46 B.Block,Balaji Towers,New Bakaram,Hyderabad.

11,12,15,16,18,19 and 24 are concerned as per court order in
Wp 33591/97,dt.6-12-01

20 K.Suresh S/o K.Devender
H.No.8-3-319-8-11,Y.R.Guda, Hyderabad.

21 S.Subhash Babu S/o S.Apparao **(DIED)**
Dy.E.E.,SPSIDC Sub-Division,Vittalnagar, Chirala 523157.

22 Y.Anil Kumar S/o Y.China Venkata Rao
8-2-293/K/26 Plot.No.,26 Phase III,Kamalapuri Colony,
Hyderabad.

23 M.A.Javeed S/o Wahed
Utnoor Adilabad-504311

24 D.Nagamani W/o D.Satyanarayana
H.No.876/EWs,KPHB Colony,Kukatpally,Hyderabad-72

11,12,15,16,18,19 and 24 are concerned as per court order in

Wp 33591/97,dt.6-12-01

- 25 D.S.Rama Raju S/o Venkata Swamy Raju
HIG 238,KPHB Colony, Kukatpally,
Hyderabad-72
- 26 K.Krishna Rao S/o K.Subba Rao
HIG 73, Bharatnagar Colony,
Hyderabad-18
- 27 K.Eswarchand S/o K.Suryanarayana
HIG 7-150/2,Nagendernagar, Habsiguda,
Hyderabad-7
- 28 K.Ramakrishna S/o Radhaiah
H.No.1-4-27-71-172, Padamashali Colony,
Hyderabad.
- 29 A.V.Ramana Rao S/o A.V.L.Narasimha Rao
48/LIG,,KPHB Colony, Kukatpally, Hyderabad-72
- 30 N.Srihari S/o N.Ramaiah
Flat No.102,Somodaya Apartment, Bhagyanagar Colony,
Hyderabad-72,the Wp is dismissed as withdrawn in so far as

petitioner no.30 as per court order dt.8-9-2000 ion Wp.33591

- 31 P.Radharani W/o N.Satish
8-2-293/K/26, Plot No.26 Phase III,
Kamalapuri Colony, Hyderabad.72
- 32 C.Sanyasi C/o C.Malakondaiah
LIG/1029/KPHB Colony, Kukatpally,
Hyderabad.
- 33 G.Surya Prakash s/o G.Veerabhadra Rao
HIG 38, Phase I&II KPHB Colony,
Hyderabad-72
- 34 B.C.Sivasankara Reddy s/o B.C.N Reddy
HIG 183,Phase I&II,KPHB Colony, Hyderabad-72

35.. Smt S.Sobha W/o. late Subhash Babu

aged about 45 years R/o Plot No. 24 Sriram nagar Colony,
LB Nagar, Near Ring Road, Hyderabad

36.. S.Nishanth S/o. late Subhash Babu aged about 19 years

student-- R/o Plot No. 24 Sriram nagar Colony,
LB Nagar, Near Ring Road, Hyderabad

37.. S.Vishwanath S/o.late Subhash Babu

R/o Plot No. 24 Sriram nagar Colony,
LB Nagar, Near Ring Road, Hyderabad

..... PETITIONER(S)

AND

A.P.State Housing Board,Rep.by Chairman, Gruhakalpa,
Nampally, Hyderabad.

.....RESPONDENT

(1.. Writ Petition dismissed as withdrawn in so far as the petitioner Nos. 1 to 4,6,7,9,11,12,15,16,18, 19 and 24 are concerned as per Court order in W.P.33591 of 1997.

2.. Writ Petition dismissed as withdrawn in so far as petitioner No.30 as per Court order dated 8-9-1997 in W.P. 33591 of 1997.

3.. Writ Petition is dismissed as withdrawn against petitioners 35 to 37 as per Court order dated 4-4-05 in WPMP No.19501 of 2005.

4.. Petitioners 35 to 37 brought on records as Legal Representatives of deceased petitioner No.21 as per Court order dated 4-4-2005 in W.P.M.P.No. 26826 of 2003)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, Order or direction particularly in the Nature of Mandamus declaring the action of the Respondent in demanding amounts from the petitioners over and above the Original Estimated prices in respect of the houses allotted to them in Kukatpally phase I & II in Pursuance of the notification 15/E3/93,dt.28-8-93 and notification 25/E3-93 dt,21-2-94 at Kukatpally Hyderabad district as illegal and contrary to the Andhra Pradesh Housing Board Act 1956 and the Andhra Pradesh Housing Board Regulations,1977 and also arbitrary and unconstitutional being violative of art.14,21 and 300-A of the Constitution of India and further being violative of principles of natural justice and opposed to public policy, and thereby unconscionable and consequently direct the respondent Board not to collect any amount over and above the original estimated price in respect of the houses allotted to the petitioners at Kukatpally phase I and II Housing Board Scheme

Counsel for the Petitioner:MR.S.SRINIVAS REDDY

MR. G.Umapathi Sastry

Counsel for the Respondent No.: Mr. B.H.R.Choudary (Not Present)

The Court made the following :

ORDER:

Learned counsel for petitioner submitted that the present writ petition is filed

questioning the action of the respondent in demanding amounts over and above the original estimated prices in respect of the houses allotted to petitioners in Kukatpalli Phase I and II in pursuance of the notification No. 15/E3/93 dated 28-8-1993 and notification No.25/E3/93 dated 21-2-1994 and that similar question was considered and disposed of by this Court in W.P. No. 14424 of 1995 and batch dated 4th April, 2003.

Heard learned counsel for petitioner. None appeared for respondent. The operative portion of the order in W.P. No. 14424 of 1995 and batch reads as under;

“Having regard to the fact that Board is under obligation to fix the final cost and notify the same within two years as per regulation 23 (3) and many of the allottees have already paid the entire amount and got the registration formalities completed, the ends of justice would be met if the petitioners pay simple interest on the differential amount from the date of allotment till the date of passing interim order within a period of four weeks from today and also paying usual stamp duty and registration charges, the respondents shall execute the sale deeds in their favour. If the petitioners fail to pay the said amount within the specified period, it is always open for the respondents to calculate the interest on the differential amount as per the allotment order. This order is confined to the petitioners/allottees, who have approached the Court and the same cannot be treated as precedent.”

The question raised in the present writ petition is squarely covered by the above judgment, hence, the present writ petition stands disposed of in terms of W.P. No. 14424 of 1995 dated 4-4-2003. No costs.

N.V.RAMANA,J

4-4-2005

TVK

To

1.. The Chairman, A.P.State Housing Board, Gruhakalpa,
Nampally, Hyderabad.

2) 2 CD copies

3) 1 CC to MR.SRINIVAS REDDY

*Form-NIC-OGS/WP{**KMR**}*